

MINUTES

INDIANA STATE BOARD OF DENTAL EXAMINERS

October 2, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Miller called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Matthew Miller, D.D.S., President

Charles Heape, D.D.S.

Richard T. Newton, D.D.S.

Gary Haller, D.D.S.

Philip Catey, D.D.S.

Clance LaTurner, Consumer Member

Lavern Robison Whitmore, L.D.H., B.S.

Theodore Rokita, D.D.S.

Board Members Absent:

Galen Williams, D.D.S., Vice President

Steven Hollar, D.D.S., Secretary

Jill Burns, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency

Heather Hollcraft, Assistant Board Director, Professional Licensing Agency

Jim Schmidt, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

CATEY/LaTURNER

Motion carried 7-0-0

*Dr. Heape was not present for the vote

III. ADOPTION OF MINUTES FROM THE AUGUST 7, 2009 MEETING

A motion was made and seconded to adopt the minutes, as corrected, from August 7, 2009.

WHITMORE/LaTURNER

Motion carried 8-0-0

IV. APPEARANCES

A. PROBATIONARY

1. Christopher Leonard, D.D.S., License No. 12009363A

Administrative Cause No. 2005 DB 0002

Dr. Leonard appeared before the Board, as requested. Dr. Leonard stated his office is almost closed due to the Chapter 7 bankruptcy. He indicated he has one crown to deliver and one implant restoration to complete. He is currently seeking employment and will let the Board know when he is employed. The Board is pleased with his progress and has set his next appearance for January 8, 2010.

2. Edward T. Mamaril, D.D.S., License No. 12008594A

Administrative Cause No. 2008 ISDB 0001

Dr. Mamaril appeared before the Board, as requested. Dr. Mamaril stated he is current with his information. He still needs to complete his continuing education. Dr. Mamaril indicated he prescription record keeping is better and all else is in order. The Board is pleased with his progress and has set his next appearance for January 8, 2010.

3. Trevor Treasure, D.D.S., License No. 12010719A

Dr. Treasure appeared before the Board, as requested. Dr. Treasure stated things are going very well for him. He is teaching first, second and third year students on research projects. He plans on returning to clinical practice in the next year. His Medicaid registration is being reinstated in Texas in the near future. Dr. Treasure has had no changes in his medications or information. The Board stated they have not received a letter from Dr. Moe from his July meeting. They are in receipt of Dr. Bennett's letter. The Board is pleased with his progress and has set his next appearance for January 8, 2010.

4. Teresa Michelle Watkins, D.D.S., License No. 12010271A

Dr. Watkins appeared before the Board, as requested. Dr. Watkins stated things are going fine for her. She indicated she is up to date with agreements and monitors. There have been on change in her medications. She is currently working four days per week and it is going great. As for her community service requirement, she is seeing financially strapped patients on a pro bono basis. The Board requested she send a list of pro bono patients to Cindy. She stated her probation officer and judge verify the information and are both okay with her doing the pro bono work as community outreach with free or lower cost dental work. In March or April she will be speaking with the senior class at a local school and is currently working with Candace Backer on a presentation. The Board is pleased with her progress.

B. APPLICATION

There were no applications before the Board.

C. RENEWAL

There were no renewals before the Board.

V. ADMINISTRATIVE HEARINGS

A. Daniel Fink, D.D.S., License No. 12007602A

Administrative Cause No. 2006 ISDB 0006

Re: Request for Reinstatement of a Suspended License

Parties and Counsel Present:

Respondent was present with counsel, Terry White

Mark Mader, Deputy Attorney General for the State of Indiana

Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Miller, D.D.S., President (Hearing Officer)

Dr. Newton, D.D.S.

Dr. Haller, D.D.S.

Dr. Catey, D.D.S.

Dr. Heape, D.D.S.

Ms. LaTurner, Consumer Member

Ms. Whitmore, L.D.H., B.S.

Dr. Rokita, D.D.S.

Case Summary: Respondent is requesting reinstatement of his suspended license. The State opened with the Board's order dated August 10, 2009 suspending Respondent from the practice of dentistry. The order states he cannot be reinstated for sixty (60) days from date of order; he must comply with previous order and pay a fine. Mr. White, counsel for Respondent, opened with the request of reinstatement of Respondent's suspended license. He feels Respondent understands the severity of his actions. Respondent thought his suspension began on July 10, 2009 when the Board issued the order for suspension. Respondent's attorney is questioning whether the order of suspension actually began on July 10, 2009 when the Board made their decision or if it began on August 10, 2009 when the Attorney General's Office issued the order. Mr. Mader indicated the suspension did not begin until the order was issued by the Attorney General's office on August 10, 2009. Counsel for the Respondent indicated the Respondent immediately quit practicing due to the confusion of the order. He feels the thirty days he was not practicing even though he could, should count towards the time of his suspension. If the date of suspension is August 9, 2009 then he would not be eligible to request reinstatement of his license until after the December 4, 2009 board meeting, which would actually have him not practicing for five months instead of the sixty days as ordered. Respondent testified that only Dr. Ruth Jimerson is supervising him as Dr. Edwards is currently in rehabilitation due to his medical condition. Respondent stated he has lost over \$100,000.00 in income during his suspension.

and has not practiced for eighty-six days as he ceased practicing immediately upon the Board's decision. He will only be practicing when Dr. Jimerson can be there; Mondays, Wednesdays and Fridays. He states his dental proficiency was never questioned and that his actions stem from boundary issues. In closing, Mr. White asks the Board to be fair to the Respondent in their decision. Mr. White assured the Board the Respondent understands the severity of this and did stop practicing on the day the suspension was given. Mr. White explained to the Board that any time a court of law makes a decision the outcome begins the day of the decision. The State argued that the Board followed the rules regarding orders and it is ultimately up to the Board to determine if he is safe to practice and decide if the order took effect when it was issued or when it was ordered. Legal Counsel advised the Board the order does not take effect until it is issued by the Attorney General's office and this particular order was not issued until August 10, 2009.

Board Action: A motion was made and seconded to reinstate Dr. Fink's dental license on probationary status effective October 9, 2009 with terms and conditions of previous order in still in effect.

CATEY/NEWTON
Motion carried 8-0-0

- B. Mathew Negrelli, D.D.S., License No. 12009878A**
Administrative Cause No. 2009 ISDB 0005
Re: Complaint

Parties and Counsel Present:

Respondent was not present and not represented by counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Miller, D.D.S., President (Hearing Officer)
Dr. Newton, D.D.S.
Dr. Haller, D.D.S.
Dr. Catey, D.D.S.
Dr. Heape, D.D.S.
Ms. LaTurner, Consumer Member
Dr. Rokita, D.D.S.

Case Summary: Respondent was not present nor represented by counsel. There were no witnesses. The State waived opening statements. Respondent's counsel, Laurie Brown, has been in contact with the State. The State moves for notice of proposed default.

Board action: A motion was made and seconded to enter into proposed default.

NEWTON/LaTURNER
Motion carried 7-0-0

VI. NOTICE OF PROPOSED DEFAULT

A. Mathew Negrelli, D.D.S., License No. 12009878A

Administrative Cause No. 2009 ISDB 0005

Re: Emergency Suspension

Parties and Counsel Present:

Respondent was not present and not represented by counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Miller, D.D.S., President (Hearing Officer)
Dr. Newton, D.D.S.
Dr. Haller, D.D.S.
Dr. Catey, D.D.S.
Dr. Heape, D.D.S.
Ms. LaTurner, Consumer Member
Dr. Rokita, D.D.S

Case Summary: Enter States Exhibit “1” from Candace Backer and accepted by the Board. The Attorney General’s office received this from Ms. Backer through Ms. Vaught. Respondent has been treated for alcohol abuse. He entered second treatment and was discharged. He then entered into the Dental Well-Being program and has not complied with the program. The State feels Dr. Negrelli is a danger to the public and requests a ninety day emergency suspension.

Board action: A motion was made and seconded to place Dr. Negrelli’s dental license on a ninety day emergency suspension as requested by the State.

LaTURNER/CATEY

Motion carried: 7-0-0

VII. OLD/NEW BUSINESS

A. Rules

Ms. Vaught is still working with Marty Allain, Chief Legal Counsel for Indiana Professional Licensing Agency, and will hopefully be complete by the end of the month. She is currently working on the budget and will recall the notice of intent and republish.

B. Dr. Bajza

Dr. Bajza has been in contact with Ms. LaTurner regarding community service. He wanted to know if he could complete his community services during his suspension/probation. Ms. LaTurner and Dr. Bajza have arranged for his community service to be completed during his probation. He currently has a mentor set up with Indiana University.

C. Approval of Licenses

It was discussed that the Board needs to look better at granting licenses to expired practitioners. They cannot give an instructional license because the practitioner has previously held an Indiana dental license. The law states the Board can require remedial education for this reason.

VIII. DISCUSSION

A. Dr. Louis Malcmacher, President American Academy of Facial Esthetics

Dr. Malcmacher is questioning dentists in Indiana performing Botox on patients. The Board stated there is nothing within the law that specifies whether Indiana dentists can or cannot perform Botox on patients. The Board tabled the discussion for now.

B. C. Scott Litch, Esq., CAE Chief Operating Officer and General Counsel American Academy of Pediatric Dentistry Re: Advertising

The Board discussed Mr. Litch's concerns over corporate dentistry advertising as pediatric dentists.

IX. APPLICATION REVIEW

A. Examination

1. Joyce Ann Barbour, D.D.S.

The Board reviewed Dr. Barbour's application file by examination. Dr. Barbour has applied to the State of Indiana several times for licensure as a dentist without successfully completing the application process. The Board indicated she needs to complete the application as there were some items missing from it. The board also would like to know the reasons behind the exam failures and why she is applying by exam instead of endorsement. They are questioning whether she is teaching or is she enrolled somewhere academically. The application states she does not qualify for endorsement due to her work history. She has taken the Southern Regional Testing Agency (SRTA) exam three times but only failed twice. The Board would like for Dr. Barbour to appear and answer the questions they have regarding her application.

Board action: A motion was made and seconded to table the decision until the applicant completes the application and gives the required documentation.

WHITMORE/CATEY
Motion carried 7-1-0
*Dr. Rokita opposed

Upon further discussion of the motion, a new motion was made and seconded to request a personal appearance by Dr. Barbour at the December 4, 2009 meeting of the Board to discuss her application.

ROKITA/WHITMORE

Motion carried 8-0-0

2. Tajudeen O. Ogbara, D.D.S.

The Board reviewed Dr. Ogbara's application file by examination. Dr. Ogbara is a 2008 graduate of University of Illinois. He has taken and passed the National Boards in 2004 and 2008 and the Central Regional Dental Testing Service (CRDTS) in 2008. Dr. Ogbara answered yes to question 4B asking "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in August 2000 during his sophomore year of college, he had a misdemeanor conviction of theft under \$500.00. He stated he was placed under court supervision and required to complete 20 hours of community service. No other incidents have occurred since that time.

Board action: A motion was made and seconded to grant Dr. Ogbara a dental license upon taking and passing the Indiana jurisprudence examination.

ROKITA/HEAPE

Motion carried 7-0-0

*Ms. Whitmore was not present for the vote

3. Wilson Daniel Stemm, III, D.M.D.

The Board reviewed Dr. Stemm's application file by examination. Dr. Stemm was present and appeared before the Board regarding the positive response to a question on the application. Dr. Stemm is a 2009 graduate of University of Louisville. He has taken and passed the National Boards in 2007 and 2009 and the Southern Regional Testing Agency (SRTA) exam in 2009. Dr. Stemm answered yes to question 3 asking "Are you now, or have you ever been treated for drug or alcohol abuse", question 4A asking "Have you ever been convicted of, pled guilty or nolo contendere to a violation of an Federal, State or local law relating to the use, manufacturing, distribution or dispensing of controlled substances", and question 4B asking "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in 1998 he was pulled over in Destin, Florida and the officer found marijuana, belonging to him and another individual, in the car. He was charged with possession of marijuana. Dr. Stemm has since left Florida, married and gone back to school to earn his dental degree.

Board action: A motion was made and seconded to grant Dr. Stemm a dental license upon taking and passing the Indiana jurisprudence examination.

ROKITA/NEWTON

Motion carried 7-0-0

*Ms. Whitmore was not present for the vote

4. Kamila Lynn Ouimet, L.D.H.

The Board reviewed Ms. Ouimet's application file by examination. Ms. Ouimet is a 2005 graduate of Indiana University of South Bend. She has taken and passed the National Boards in 2006 and the Northeast Regional Boards (NERB) in 2009. Ms. Ouimet answered yes to question 4B asking "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that on November 12, 2006 she crossed the center line while driving. She had a BAC of .16 and was charged with driving while intoxicated. Her driver's license was suspended for a period of ninety days and was on reporting probation for one year. She was also ordered to pay court costs and fines. She has since received her driver's license back and has had a perfect driving record since that time.

Board action: A motion was made and seconded to grant Ms. Ouimet a dental hygiene license upon taking and passing the Indiana jurisprudence examination.

CATEY/LaTURNER

Motion carried 7-0-0

*Ms. Whitmore was not present for the vote

B. Endorsement

There were no applications by endorsement to review.

C. Anesthesia and Sedation Permits

There were no anesthesia permits to review.

D. Dental Intern Permit

There were no dental intern permits to review.

E. Mobile Dental Facility

There were no mobile dental facility applications to review.

F. Instructors License

There were no instructor's license applications to review.

G. Professional Corporations

There were no professional corporation applications to review.

X. RENEWALS

There were no renewal applications to review.

XI. PROBATIONARY/CONDITIONAL LICENSE REPORT

- A. Tammy Bacon, L.D.H.** - Dr. Haller reported all is well with Ms. Bacon.
- B. James W. Cahillane, D.D.S.** – Dr. Haller reported that Dr. Cahillane is in compliance.
- C. Penelope Lynn Dunlap, D.D.S.** – Dr. Haller reported all is in order with Dr. Dunlap.
- D. Marci L. Huth, L.D.H.** – Dr. Haller reported Ms. Huth is in compliance.
- E. Bland Pope Walker, D.D.S.** – Dr. Haller reported Dr. Walker is in compliance.

Board Action: A motion was made and seconded to accept all reports.

CATEY/LaTURNER

Motion carried 7-0-0

*Ms. Whitmore was not present for the vote

XII. CONTINUING EDUCATION

- A. Dr. Owen M. Forbes** – Dr. Newton approved Dr. Forbes application for continuing education credit.
- B. Indianan Dental Education & Resource Association** – approval pending upon receiving more information regarding continuing education program. Dr. Newton is requesting a copy of the certificate to be given, statement regarding attendance monitoring, and a syllabus. Is concerned this is mostly practice management.
- C. Indianapolis Endodontics, P.C.** – Dr. Newton approved the application for continuing education credit.
- D. Shane T. Cope** – approval pending upon receiving more information regarding continuing education program. Dr. Newton would like to see the syllabus for the continuing education program.
- E. Tri County Dental Society** – Dr. Newton approved the application for continuing education credit.

Board action: A motion was made and seconded to approve Dr. Forbes, Indianapolis Endodontics, P.C. and Tri County Dental Society for continuing education and to table Indiana Dental Education & Resource Association and Shane T. Cope's applications for the time being, until they can provide the requested documentation to complete the application.

NEWTON/CATEY

Motion carried 7-0-0

*Ms. Whitmore was not present for the vote

XIII. REPORTS

There were no reports before the Board.

XIV. ASSOCIATION REPORTS

A. Indiana Dental Association

Reported a new ethics course will be out at the end of the month.

B. Indiana Dental Hygiene Association

Report given regarding their annual meeting and the ethics course they will be offering.

C. Indiana Dental Assistants Association

There was no report before the Board.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:15 p.m.

Board action: A motion was made and seconded to adjourn the meeting of the Indiana State Board of Dentistry at 12:15 p.m.

NEWTON/HEAPE

Motion carried 7-0-0

*Ms. Whitmore was not present for the vote

Matthew Miller, D.D.S., President

Date

Steven Hollar, D.D.S, Secretary

Date